

to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term "victim" as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

## SUPPORTING THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 384, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 384) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I rise today in honor of National Adoption Day and National Adoption Month. Senator COLEMAN and I understand that later today the Senate will consider our resolution recognizing National Adoption Day and National Adoption Month.

Every child should have a loving and permanent family. The Hague Convention recognizes "that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding." Unfortunately, not all children have a family of their own. However, through adoption a child can have a "forever family."

President Bush has recognized the importance of adoption to children and our Nation. Thus, he has declared November to be National Adoption Month. Nearly half of all Americans have been touched by adoption.

In 2002, 151,332 children found "forever families," a significant increase from 119,766 in 1996. 21,063 of these children were born in another country and adopted by American families. Public agency adoptions have more than doubled since 1995. The National Council for Adoption attributes the increase "in part to the Adoption and Safe Families Act of 1997's Adoption Incentive Program, which awards financial incentives to States for placing foster children into adoptive homes." Seven States: Arizona, Hawaii, Iowa, Kentucky, North Carolina, Oklahoma, and Wyoming, quadrupled the annual number of public agency adoptions from 1995 to 2005. Over 7,000 children who are part of the public child welfare system are adopted every year in California, which is the highest number of all 50 States. However, only 10 percent of the 513,000 children in foster care will ever be adopted.

National Adoption Day occurs on November 17 as a part of National Adoption Month. National Adoption Day is an event to raise awareness of the 114,000 children in foster care who are waiting for permanent families. Since

the first National Adoption Day in 2000, nearly 17,000 children have joined "forever families" on this special day. This year we hope to have events in all 50 States, the District of Columbia, and Puerto Rico. Over 190 events in 48 States, the District of Columbia, and Puerto Rico are planned for this Saturday to finalize the adoption of over 3,000 foster children and youth.

I want you to picture what happens on this fall day, children running, laughing, and playing with their new parent. Think about a girl or boy planning their special outfit and joyously awaiting the family celebration. Imagine the excitement welling up inside of a child as she looks into her new parent's eyes and knows she is finally part of a family. She will never dread the sound of a car coming to take her away again or wonder where she will lay her head or which school she will be moved to.

Now picture the other dramatically different reality. In 2005, there were 514,000 children in foster care and 115,000 of them were waiting to be adopted. The following States have the largest number of children in their foster care system: California, Florida, Michigan, New York, Pennsylvania, and Texas. Between fiscal years 2000 and 2005, States made progress in reducing the number of children in their foster care systems, such as Illinois, 34 percent reduction, and New York, 35 percent reduction. These children have not had the luxury of their own room, a stable school environment, or a constant adult in their lives. Though the average percentage of children in foster care who are waiting to be adopted is 24 percent, some States have percentages as low as 5 percent—California—and as high as 38 percent—New Jersey and South Carolina.

Of the 52,000 foster children who were adopted, 60 percent of them were adopted by their foster parents. According to a recent survey by the Dave Thomas Foundation for Adoption, many potential adoptive parents have considered foster care adoption, but "a majority of Americans hold misperceptions about the foster care adoption process and the children who are eligible for adoption. For example, "two-thirds of those considering foster care adoption are unnecessarily concerned that biological parents can return to claim their children and nearly half of all Americans mistakenly believe that foster care adoption is expensive, when in reality adopting from foster care is without substantial cost."

In Louisiana there are 4,541 children in foster care and 1,162 of them are waiting to be adopted. I would like to tell you about some of the foster children in Louisiana who are looking for their "forever families."

Natalya is a cute, outgoing and loveable 8-year-old who is bright and energetic. She is in the second grade and she is an above average student. She loves to read books, ride her bike, complete crossword puzzles, and play

with her dolls. Natalyia has been in foster care since November 2001. The average length of time a child spends in foster care is over 2 years.

Most foster children entered into State custody because their parents were either unable or unwilling to care for them. Not only are children separated from parents, but in many cases, siblings are separated when they are placed in foster care. Terron and Montrell are two brothers in the Louisiana foster care system who would like to be adopted together.

Terron is a handsome, happy 8-year-old in the third grade who is placed in the same foster home with his younger brother, Montrell. Both boys would like to be adopted together, because they share a close bond. Terron responds positively to structure, love, and consistency. He is a caring child who has enjoyed living in a two-parent family. He enjoys soccer, baseball, fishing and any outdoor activity. He wants his new family to know that he likes to eat spaghetti, macaroni, and rice-aroni. Terron would benefit from a two-parent family that can provide structure as well as stimulation.

Montrell is Terron's brother. He is a very sweet, friendly, and open young boy who responds well to structure and consistency. He is very bonded to his older brother and with time and nurturance can adjust to a new environment. Montrell is a first grader. School is a challenge for him but with patience and redirection, he responds well. Montrell's overall health is good and he is basically a happy little boy. He enjoys riding his bicycle and playing outside. Montrell and Terron would benefit from a 2-parent family that can provide structure as well as stimulation.

Over half the children in foster care are 10 years of age or older and have more difficulty being adopted. These children are just waiting to flourish with the right parent's guidance. Kody and Ronnie are two brothers who are above the age of 10 years old and are waiting in the Louisiana foster care system for a "forever family."

Kody is a cute, very active and outgoing, blonde haired, hazel eyed, 13-year-old boy. He enjoys football, skateboarding, fourwheeling, and playing video games. He also loves horses. He is a sixth grader who enjoys science and reading. Kody would like to be an entertainer when he grows up, such as an actor, a comedian, or a rapper. He would like to be in the same home as his brother, Ronnie.

Ronnie is Kody's brother. He is an 11-year-old boy who resembles his brother. Ronnie loves both playing and watching football. He likes to play video games and board games, horses, and going fishing. He is a fourth grader who likes math and science. He would like to be a policeman when he grows up, so that he could rescue people. He would also like to own a toy company, so that he could invent new video games. He wants a family who would

care about him. He is very close to his brother Kody and wishes to remain in contact with him.

I could stand here every day for the next month and talk about each child who needs to be adopted out of foster care. The bottom line is that each of these children, from one day old to 22 years old, needs permanency. They all need a loving, nurturing family that will help them to grow, bring out their unique personalities, and transform them into confident and happy adults.

On National Adoption Day, I have faith that this can be done and we must continue to be the catalyst. The miracle of adoption cannot be explained, but the loving parents that are holding their children for the first time today are living examples of how dreams can be realized. As an adoptive mother myself, I find that words cannot adequately explain the miracle of adoption. I can only take a moment to offer my most humble thanks, gratitude, and appreciation to all those across the Nation who have given their Saturday to help find waiting children safe and loving homes.

Let us continue to remember that when National Adoption Month and Day end there are still thousands of children like Natalyia, Montrell, Terron, Kody, and Ronnie who need that sense of permanency. I challenge Congress to make these children their first priority and to help them to finally realize that dream. Please support our resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 384) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 384

Whereas there are approximately 514,000 children in the foster care system in the United States, approximately 115,000 of whom are waiting for families to adopt them;

Whereas 52 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who "age out" of foster care by reaching adulthood without being placed in a permanent home has increased by 41 percent since 1998, and nearly 25,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a recent survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though "Americans overwhelmingly support the concept of adoption,

and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years";

Whereas, while 3 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, nearly 17,000 children have joined forever families during National Adoption Day;

Whereas, in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas, on October 31, 2007, the President proclaimed November 2007 as National Adoption Month, and National Adoption Day is on November 17, 2007: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

#### MEASURE READ THE FIRST TIME—S. 2363

Mr. SALAZAR. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2363) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Mr. SALAZAR. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

Mrs. HUTCHISON. Mr. President, for S. 2363, the report accompanying this bill is the Statement of Managers as